

Appl. No. : 10/677,757
Filed : October 1, 2003

REMARKS

Claims 1, 3-9, and 11-18 stand rejected. Applicant has amended Claims 8 and 17. Applicant has also added dependent Claims 19 through 22. Thus, Claims 1, 3-9, and 11-22 are pending in the application and are presented for examination in view of the amendments and the following remarks.

Interview Summary

Applicant would like to thank Examiner Mehta for taking the time to meet and discuss the outstanding Office Action in a personal interview with counsel for Applicant on February 7, 2007. During the interview, the applied prior art was generally discussed. Specifically, the Examiner and Applicant agreed that the flange 98 in Bierman et al. (U.S. Patent No. 6,582,403) would not be secured within the recess 72 of the cover 20, 22 in the '403 patent.

Applicant further proposed adding a limitation to Claims 8 and 17 that is directed to the structure of the head portion of the post to more clearly define the recited retainer in view of the applied prior art. Specifically, the limitation is directed to how the head structure is enlarged. Accordingly, Applicant has amended Claims 8 and 17 to include language directed to the size of the head of the post.

Rejections under 35 U.S.C. § 102(e), 35 U.S.C. § 103(a), and Double Patenting

The Examiner rejected independent Claims 1, 8, 17, and 18 under U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,582,403 to Bierman et al. In addition, the Examiner rejected dependent Claim 9 under U.S.C. § 103(a) as being obvious over the '403 patent in view of U.S. Patent No. 6,491,664 to Bierman. Claims 1, 3-9, 11-18 were also rejected on the grounds of nonstatutory, obviousness-type, double patenting as being unpatentable over Claims 39-41 of the '403 patent. Applicant has amended Claims 8 and 17.

Claim 1 recites, *inter alia*, "at least one protrusion disposed near the end of the shaft away from the base of the retainer" and a "cap having at least two configurations including a covered configuration in which the protrusion is at least partially disposed and secured within the recess of the cap." Claim 18 recites, *inter alia*, "at least one protrusion disposed near the end of the shaft away from the base of the retainer" and a cap "having at least two configurations including a covered configuration in which the protrusion is disposed within the recess of the cap and

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covered by the cap.” Amended Claims 8 and 17 each recite, *inter alia*, “an enlarged head disposed near the end of the shaft” and a “cap having at least two configurations including a covered configuration in which the enlarged head of the post is at least partially disposed and secured within the recess of the cap.” As the Examiner acknowledged during the interview, at least these limitations are not disclosed in the applied references. Therefore, Applicant respectfully submits that the rejections of independent Claims 1, 8, 17, and 18 have been overcome.

Claims 3-7, 9, and 11-16 depend directly or indirectly from one of Claims 1 and 8 and, thus, are patentable for at least the same reasons that the claims from which they depend are patentable over the applied art. Therefore, allowance of Claims 1, 3-9, and 11 through 18 is respectfully requested.

New Claims 19 through 22

New dependent Claims 19 through 22 have been added. Support for these new claims can be found at least in paragraphs [0050] through [0054] of Applicant’s specification. Applicant submits that these claims are patentable for at least the reasons that Claim 1 is patentable. Consideration and allowance of new Claims 19 through 22 therefore is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper motivation and suggestion exists to combine these references.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 2/8/07

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